

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

OF WO
ORIGINAL

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS 19 PM 3:27
FORT WORTH DIVISION

CLERK OF COURT

ANDREW J. GONZALEZ

Plaintiff,

v.

Case No: 4:13-CV-50-A

MIDLAND FUNDING, LLC and
MIDLAND CREDIT MANAGEMENT,
INC.

Defendants.

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Midland Funding, LLC (“Midland Funding”) and Midland Credit Management, Inc. (“MCM”) (collectively “Defendants”), request that the Court dismiss with prejudice Plaintiff’s Complaint against it for failure to state a claim upon which relief can be granted and shows the court the following:

1. On January 23, 2013, Plaintiff Andrew J. Gonzalez (“Plaintiff”) filed this suit against Defendants alleging violations of the Fair Credit Reporting Act (“FCRA”) 15 U.S.C. § 1681 et. seq. and the Fair Debt Collection Practices Act (the “FDCPA”) 15 U.S.C. § 1692 et. seq.¹

2. Plaintiff’s claims should be dismissed with prejudice because Plaintiff’s Complaint fails to state plausible claims for relief against Defendants.

3. A brief in support of this Motion is contemporaneously being filed.

¹ Docket No. 1.

For the above reasons, Defendants request that all causes of action included in Plaintiff's Complaint be dismissed with prejudice, and for such other and further relief for which they may show themselves justly entitled.

Respectfully submitted,



Gregg D. Stevens
State Bar No. 19182500
Aimee G. Szygenda
State Bar No. 24027054
McGlinchey Stafford, PLLC
2711 N. Haskell Avenue,
Suite 2750, LB 25
Dallas, Texas 75204
Telephone: (214) 445-2406
Facsimile: (214) 445-2450

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2013, a copy of the above and foregoing has been served upon the Pro Se Plaintiff as follows:

Certified Mail RRR 7196 9008 9111 5369 2250

Andrew J. Gonzalez
6015 Siltstone Lane
Apt. #1224
Fort Worth, TX 76137
Pro se Plaintiff



Gregg D. Stevens